

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

4 ERIC SPRONZ,

5 Plaintiff,

6 -against-

7 DOCKET NO.: 2:23-CV-03689 (JMA) (SIL)

8 COUNTY OF SUFFOLK, SUFFOLK COUNTY EXECUTIVE
9 STEVEN BELLONE, IN HIS OFFICIAL CAPACITY
10 ONLY, SUFFOLK COUNTY POLICE COMMISSIONER
11 RODNEY K. HARRISON, IN HIS OFFICIAL
12 CAPACITY ONLY, SUFFOLK COUNTY COMMANDING
13 OFFICER OF THE PISTOL LICENSING BUREAU
14 LIEUTENANT MICHAEL KOMOROWSKI, IN HIS
15 OFFICIAL CAPACITY ONLY, SUFFOLK COUNTY
16 POLICE OFFICER KEVIN WUSTENHOFF, IN HIS
17 INDIVIDUAL AND OFFICIAL CAPACITY, SUFFOLK
18 COUNTY POLICE OFFICER/PISTOL LICENSING
19 BUREAU POLICE OFFICER DANIEL JUGAN, IN HIS
20 INDIVIDUAL AND OFFICIAL CAPACITY, JANE AND
21 JOHN DOE NO. 1-10, IN THEIR OFFICIAL AND
22 INDIVIDUAL CAPACITY

23 Defendants.

24 -----X
25 Zoom Videoconference
New York, New York

DATE: September 26, 2024
TIME: 11:46 a.m.

DEPOSITION of MICHAEL KOMOROWSKI, a
Defendant herein, taken by the Plaintiff,
a Defendant herein, taken by the Plaintiff,
pursuant to Article 31 of the Civil
Practice Law & Rules of Testimony, and held
remotely, before GABRIELLA TUTINO, a
Stenographic Reporter and Notary Public of
the State of New York.

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2 A P P E A R A N C E S

3 LAW OFFICE OF RICHARD W. YOUNG, SR. ESQ

Attorney for Plaintiffs

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12 BY: ARLENE S. ZWILLING, ESQ.

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14 ALSO PRESENT:

15 Eric Spronz, plaintiff

16 Kevin Wustenhoff, defendant

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S T I P U L A T I O N S

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IT IS HEREBY STIPULATED AND AGREED
by and between the attorneys for the
respective parties herein, that filing,
sealing and certification be and the same
are hereby waived.

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IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to the form
of the question shall be reserved to the
time of the trial.

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IT IS FURTHER STIPULATED AND AGREED
that the within deposition may be signed
and sworn to before any officer authorized
to administer an oath, with the same force
and effect as if signed and sworn to before
The Court.

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IT IS FURTHER STIPULATED AND AGREED that
subject to any rulings on any express or
reserved objections to particular
questions, the transcript of this remote
deposition will be deemed admissible for
purposes of any dispositive motions, and

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2 will be deemed admissible by the
3 party-opponent at trial.

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1 M. KOMOROWSKI

2 THE REPORTER: I'm going to ask
3 Counsel to stipulate it's okay to
4 swear in the witness remotely for
5 today's deposition and that there's
6 no objection at this time nor will
7 there be one at a future date.

8 MR. MORRIS: No objection.

9 MS. ZWILLING: So agreed.

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11 M I C H A E L K O M O R O W S K I, after
12 having first been duly sworn by a Notary
13 Public of the State of New York, was
14 examined and testified as follows:

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16 EXAMINATION BY MR. MORRIS:

17 Q. State and spell your name for
18 the record, please.

19 A. Michael Komorowski.

20 Q. State and spell your address
21 for the record, please.

22 A. 30 Yaphank Avenue, Yaphank, New
23 York.

24 Q. Good morning, Mr. Komorowski?

25 A. Good morning.

1 M. KOMOROWSKI

2 Q. Mr. Komorowski, what is your
3 title?

4 A. Lieutenant.

5 Q. Lieutenant Komorowski, is there
6 any reason that you can't tell the truth
7 here today?

8 A. No.

9 Q. Where are you currently?

10 A. Where am I currently, at 30
11 Yaphank Avenue.

12 Q. Who, if anyone, is in the room
13 with you?

14 A. Officer Wustenhoff.

15 Q. Do you have any notes,
16 documents, anything relating to the case in
17 front of you?

18 A. No.

19 Q. You were present the entire
20 time for Mr. Wustenhoff's testimony;
21 correct?

22 A. Yes.

23 Q. Lieutenant Komorowski, to whom
24 do you report as an officer with the
25 Suffolk County Police Department?

1 M. KOMOROWSKI

2 A. Who do I report to, would be
3 right now Inspector Webber.

4 Q. To whom, if anyone, does
5 Inspector Webber report to as inspector of
6 the Suffolk County Police Department?

7 A. Chief Romano.

8 Q. The chief, the chief you
9 mentioned earlier, the chief of the Suffolk
10 County Police Department, to whom, if
11 anyone, does that chief report to?

12 A. I would think the chief of the
13 department and also the police
14 commissioner.

15 Q. Who, if anyone, does the police
16 commissioner of the Suffolk County Police
17 Department report to?

18 A. I have no idea.

19 Q. Are you responsible for
20 enforcing the policies of the Suffolk
21 County Police Department?

22 A. Yes.

23 Q. Did you suspend Eric Spronz's
24 pistol license?

25 A. Yes.

1 M. KOMOROWSKI

2 Q. Is it the policy of the Suffolk
3 County Police Department to suspend pistol
4 licenses like Eric Spronz?

5 MS. ZWILLING: Objection, you
6 may answer.

7 A. I don't know what you're trying
8 to say.

9 Q. Did you suspend Eric Spronz's
10 pistol license pursuant to a Suffolk County
11 Police Department policy?

12 A. I suspended it due to our
13 policy and also our common practice and
14 also the New York State penal law.

15 Q. You said policy, practice, and
16 the New York State penal law; correct?

17 A. Yes.

18 Q. What New York State penal law
19 section did you suspend Eric Spronz as the
20 license pursuant?

21 A. Under 400.

22 Q. Specifically what section?

23 MS. ZWILLING: He just told
24 you.

25 A. Under 400 of the penal law.

1 M. KOMOROWSKI

2 Q. Is there any specific
3 subdivision of 400 of the penal law?

4 A. I would have to look it up.

5 Q. As you sit here today, you
6 don't now what section of the New York
7 State penal law you suspended Eric Spronz's
8 pistol license; is that right?

9 A. No.

10 Q. Policy. What is the Suffolk
11 County Police Department policy pursuant to
12 which you suspended Eric Spronz's pistol
13 license?

14 MS. ZWILLING: Objection, you
15 may answer if you know the answer.

16 A. If he does violate a section of
17 the penal law we do suspend. That is
18 common practice.

19 Q. What section of the penal law
20 was violated?

21 A. 400.

22 Q. Any specific provision of 400?

23 A. I already told you I have to
24 look that up.

25 Q. As you sit here you don't know?

1 M. KOMOROWSKI

2 A. No.

3 Q. Can you describe the conduct
4 for which a penal law provision was
5 violated by Eric Spronz?

6 A. Eric Spronz did have a
7 concealed carry license at the time, which
8 he would know because he went to the
9 training and we did advise him when he got
10 his concealed carry. And he is not allowed
11 to go to a restricted location with his gun
12 showing.

13 Q. What restricted location did he
14 go?

15 A. The property of the another
16 person.

17 Q. To be clear, Eric Spronz
18 visiting the property of another person was
19 a violation of the penal law since he
20 carried a firearm?

21 A. That's not what I said.

22 Q. Please, in your own words how
23 did Eric Spronz violate the penal law?

24 A. He went to a location showing
25 his handgun and was advised to remove

1 M. KOMOROWSKI

2 himself from that location.

3 Q. Anything else?

4 A. Anything else, at that point we
5 suspended his license for further
6 investigation by Officer Wustenhoff.

7 Q. Who suspended that license?

8 A. I suspended.

9 Q. Did anyone act with you or did
10 you confer with anyone in suspending the
11 license of Eric Spronz?

12 A. No.

13 Q. Did you confer with any
14 supervisors in the suspension of the
15 license of Eric Spronz?

16 A. No.

17 Q. Did you have authority to
18 suspend the pistol license of Eric Spronz?

19 A. Yes.

20 Q. By what authority did you
21 suspend the pistol license of Eric Spronz
22 as lieutenant of the Suffolk County Police
23 Department?

24 A. As a lieutenant of the pistol
25 license bureau.

1 M. KOMOROWSKI

2 Q. Did you seek -- withdrawn.

3 By what authority -- withdrawn.

4 Was any other penal law
5 provision -- withdrawn.

6 Was any other New York State
7 penal law provision violated by Eric Spronz
8 aside from penal law 400; to your
9 knowledge?

10 A. It would be 265, violation of
11 the restricted locations.

12 Q. What provision of penal law 265
13 was violated?

14 A. Section 265, I'd have to look
15 up the subsection.

16 Q. What conduct of Eric Spronz
17 violated penal law 265?

18 A. Under the concealed carry law,
19 when he goes somewhere, the gun has to be
20 concealed at all times.

21 Q. Anything else?

22 A. According to the report that we
23 received, the field report, the gun was
24 showing and he did walk onto the private
25 property with the handgun.

1 M. KOMOROWSKI

2 Q. What, if anything, did you
3 evaluate to make that determination?

4 A. The field report.

5 Q. Anything else?

6 A. At that time, no.

7 Q. As you sit here today, is there
8 anything else you evaluated in making the
9 determination to suspend the pistol license
10 of Eric Spronz?

11 A. As I sit here today, no.

12 Q. Aside from the field report, is
13 there any other documentation to which you
14 referred to in suspending the pistol
15 license of Eric Spronz?

16 A. No.

17 Q. As lieutenant of the Suffolk
18 County Police Department, who, if anyone,
19 are you required to consult with before
20 suspending the pistol license of a citizen
21 of Suffolk County?

22 A. No one.

23 Q. You have to seek any judicial
24 intervention to suspend the pistol license
25 from someone from Suffolk County?

1 M. KOMOROWSKI

2 A. No.

3 Q. Are you given authority to do
4 so by your supervisors that you described
5 earlier?

6 A. Yes.

7 Q. Any other penal law provision
8 we did not discuss that Eric Spronz
9 allegedly violated by his conduct?

10 A. I don't believe so.

11 Q. Was Eric Spronz ever charged
12 with a crime?

13 A. No.

14 Q. Was he ever convicted of any
15 crime?

16 A. I have no idea.

17 Q. As you sit here today, you
18 don't know if Eric Spronz was convicted of
19 a crime before you suspended his pistol
20 license?

21 A. No, I didn't run him prior to
22 suspending his license. Could have been
23 convicted of a crime 20 years ago.

24 Q. What, if any, other penal law
25 violation did Eric Spronz allegedly violate

1 M. KOMOROWSKI

2 before the suspension of his pistol license
3 permit?

4 A. None.

5 Q. As lieutenant of the Suffolk
6 County Police Department, what, if any,
7 Suffolk County Police Department policy is
8 utilized to suspend the pistol licenses of
9 persons within Suffolk County?

10 A. Common practice of the police
11 licensing bureau. If he violates, you're
12 talking about policy, right. Just common
13 practice.

14 Q. Whose common practice?

15 A. The police licensing bureau.

16 Q. Has the common practice of the
17 Suffolk County police licensing bureau
18 changed within the past five years?

19 MS. ZWILLING: I think you mean
20 pistol licensing bureau.

21 A. Yes.

22 Q. How did it change?

23 A. It changes, we have concealed
24 carry now. So with the Bruen case it
25 changed to concealed carry.

1 M. KOMOROWSKI

2 MR. MORRIS: It's New York
3 State Rifle and Pistol Association
4 versus B-R-U-E-N 597 U.S. reporter
5 142, Supreme Court reporter 2111, '22
6 Supreme Court decision just for the
7 record.

8 Q. Lieutenant Komorowski, you were
9 saying earlier it changed with the past
10 five years that being the Suffolk County
11 Police Department pistol licensing bureau
12 policy. How did it change?

13 A. When the law changes, we
14 change. We follow the law.

15 Q. What was the law prior to
16 Bruen?

17 MS. ZWILLING: With respect to
18 what.

19 Q. I'm sorry, what were you saying
20 Lieutenant?

21 MS. ZWILLING: No, I'm speaking
22 and it would be proper for you to
23 respond to me. Could you rephrase
24 your question.

25 MR. MORRIS: I'm sorry, I

1 M. KOMOROWSKI

2 didn't even hear that there was an
3 objection.

4 Q. Lieutenant Komorowski, you're
5 familiar --

6 MS. ZWILLING: Mr. Morris, you
7 are ignoring my objection. You do
8 not have the freedom to do that. I
9 do not treat you in such a dismissive
10 manner. Kindly stop smirking at me.
11 The reporter unfortunately cannot
12 pick up the facial expression you are
13 making.

14 MR. MORRIS: Please stop and
15 when you're done --

16 MS. ZWILLING: Do not interrupt
17 me.

18 MR. MORRIS: When you're done,
19 please let us know.

20 MS. ZWILLING: I can't speak
21 because you continuously interrupt
22 me. I'm objecting to the question.
23 When I object, you do not have the
24 freedom to choose to ignore me and
25 badger my client. You need to show

1 M. KOMOROWSKI

2 me the same level of respect I have
3 shown you throughout. Now I am
4 asking you to rephrase the question.

5 MR. MORRIS: Are you finished.

6 MS. ZWILLING: I haven't said
7 anything in probably 45 seconds so
8 obviously you are aware that I'm
9 finished.

10 MR. MORRIS: No, I'm not Ms.
11 Zwilling. In fact, you continue to
12 accuse me of random things. I'm
13 trying to speak, I didn't hear what
14 you said, I didn't hear the word
15 objection. Your characterization is
16 not only misplaced, it's ridiculous.
17 So if you have an objection please
18 make it and I'll let you do so.
19 That's why I'm asking when you're
20 done please let me know because we're
21 on a computer. I don't know when
22 you're finished. So my asking you
23 when you're finished, that's not a
24 polite suggestion. It's a requirement
25 unless you're going to continue to

1 M. KOMOROWSKI

2 complain about me interrupting you.

3 So if you're going to complain about
4 me interrupting you, I'm going to ask
5 you to please let me know when you're
6 finished. You can't have it both
7 ways, that's kind of insane right.

8 MS. ZWILLING: Are you
9 finished.

10 MR. MORRIS: You would like the
11 same courtesy that I'm asking you.
12 Yes, I am finished but please, if
13 you're going to object, object so I
14 can move forward. Can we agree on
15 that.

16 MS. ZWILLING: Mr. Morris if
17 you continue to smirk at me.

18 MR. MORRIS: I object, I'm not
19 doing that. You're ridiculous.

20 MS. ZWILLING: If you continue
21 to insult me for what is obviously
22 poorly chosen tactical reasons, we
23 will terminate this deposition.
24 Because I have, we have encountered
25 each other on numerous occasions

1 M. KOMOROWSKI
2 throughout our careers, and
3 regrettably I am forced to say that
4 on not one single of those occasions
5 have you ever treated me in a
6 collegiate fashion, nor have you
7 treated the other women attorneys in
8 this office as your equals. Please
9 proceed, otherwise we terminate the
10 deposition.

11 MR. MORRIS: Ms. Zwilling,
12 don't insult me. The first time we
13 spoke I was in my 20s and you accused
14 me of arguing slavery in an all Black
15 law firm. So please, object and move
16 on. If you can't do that, let's call
17 the court and we will figure it out.

18 MS. ZWILLING: That is
19 precisely what you did Mr. Morris.
20 Please proceed.

21 Q. Lieutenant, good afternoon?

22 A. Hello.

23 Q. Lieutenant, we were talking
24 about the New York State Rifle and Pistol
25 Association versus Bruen case, a 2022

1 M. KOMOROWSKI

2 Supreme Court case. Are you familiar with
3 that case as the lieutenant of the Suffolk
4 County Police Department pistol licensing
5 bureau?

6 A. Yes, I am.

7 Q. What was the state of the law
8 prior to the Bruen case?

9 MS. ZWILLING: With respect to
10 what? We are going to be here for a
11 very, very long time if you expect
12 the witness to fully discuss every
13 change in the law arguably effected
14 by the Bruen case. More over, there
15 are changes that probably have zero
16 relevance to this case. I am asking
17 you to kindly limit your question to
18 any changes that may be relevant to
19 your client's claims.

20 MR. MORRIS: I'll take that to
21 an objection and try and limit the
22 question, okay. Is that fair?

23 MS. ZWILLING: Let's hear the
24 question.

25 MR. MORRIS: Okay. I'm going

1 M. KOMOROWSKI

2 to ask the same question but try and
3 be more specific.

4 Q. Lieutenant Komorowski, as
5 lieutenant of the Suffolk County Police
6 Department pistol licensing bureau, did
7 your job change at all when New York State
8 Rifle and Association versus Bruen was
9 issued?

10 A. No.

11 Q. What was your job as it relates
12 to the pistol licensing bureau and the
13 citizens of Suffolk County maintaining
14 pistol licenses within the county?

15 A. What is my job. Approving,
16 disapproving licenses, overseeing the
17 bureau, any suspensions, revocations.

18 Q. Who, if anything, is
19 responsible for the oversight of the bureau
20 aside from yourself?

21 A. The chain of command which
22 would be the inspector, the chief, or the
23 police commissioner.

24 Q. Is it your job in approving and
25 denying, suspending or revoking licenses

1 M. KOMOROWSKI
2 within the Suffolk County Police
3 Department, is that part of enforcing the
4 policy of Suffolk County Police Department?

5 A. Is my job enforcing, yes.

6 Q. You're the head of the Suffolk
7 County pistol licensing bureau; correct?

8 A. Yes.

9 Q. Essentially, you're the boss of
10 the department; correct?

11 MS. ZWILLING: He's not the
12 boss of the police department. I
13 think that's pretty clear. Is there
14 something wrong with your eyes
15 Mr. Morris.

16 MR. MORRIS: Let me rephrase
17 the question. It looks like Ms.
18 Zwilling is having some sort of
19 problem.

20 Q. Are you the boss of the Suffolk
21 County pistol licensing bureau, that
22 department?

23 A. I am the commanding officer.

24 Q. Like the CEO of that
25 department; correct?

1 M. KOMOROWSKI

2 A. I'm the commanding officer,
3 yes.

4 Q. You enforce the policy of
5 Suffolk County Police Department as it
6 relates to the pistol license bureau;
7 correct?

8 A. Yes.

9 Q. There's no confusion that if
10 there's a suspension it's pursuant to the
11 policy of the Suffolk County Police
12 Department of which you are tasked to
13 enforce; correct?

14 A. It's a violation of penal law,
15 yes.

16 Q. Correct. And you make that
17 determination; right?

18 A. Myself or the sergeant if he's
19 here and I'm not here.

20 Q. Up the line you have authority
21 to do that; correct?

22 A. Yes.

23 Q. The authority is given to you
24 by the chief of the Suffolk County Police
25 Department on down; correct?

1 M. KOMOROWSKI

2 A. The commissioner.

3 Q. Yes?

4 A. Who's a licensing officer.

5 Q. Correct. So you are
6 responsible as the lieutenant, the Suffolk
7 County Police Department pistol licensing
8 bureau of enforcing the policy of the
9 Suffolk County Police Department as it
10 relates to pistol licenses; correct?

11 A. Yes.

12 Q. Is there a written policy of
13 the Suffolk County Police Department as it
14 relates to pistol licensing?

15 MS. ZWILLING: Objection.

16 Relating to what aspect of pistol
17 licensing? We already covered the
18 fact that there is a handbook. So
19 let's try to focus on what is at
20 issue in this case and not general
21 matters concerning pistol licensing.

22 MR. MORRIS: Counsel, if you're
23 going to object please just object
24 and I'll try the best I can to
25 continue with this deposition, okay.

1 M. KOMOROWSKI

2 MS. ZWILLING: Okay. So go
3 ahead.

4 Q. Lieutenant Komorowski, did you
5 understand the question?

6 A. Can you repeat it.

7 Q. Are there written policies that
8 guide pistol licensing within Suffolk
9 County Police Department?

10 A. There is a policy and the rules
11 and procedures.

12 Q. Okay. Rules and procedures is
13 a handbook. What else, if anything, is
14 there in writing?

15 A. That's, the policy you're
16 asking for is in the rules and procedure.

17 Q. What are those rules and
18 procedures?

19 A. Where are three.

20 Q. What are they, where are they,
21 we'll make it easy?

22 MR. MORRIS: We'll call for the
23 production of the rules and
24 procedures as it relates to the
25 pistol licensing bureau.

1 M. KOMOROWSKI

2 MS. ZWILLING: I believe
3 they've already been produced, but if
4 they're not we will produced them.
5 Can I ask you to speak a little
6 slower, Mr. Morris. You're speaking
7 at probably 3 times the speed that's
8 usually utilized in conversation and
9 it is becoming increasingly difficult
10 to clearly hear what you're saying.

11 MR. MORRIS: Madam Court
12 reporter are you taking down
13 everything I'm saying.

14 THE REPORTER: Yeah.

15 MR. MORRIS: Are you having any
16 sort of problem doing so.

17 THE REPORTER: Not right now.

18 MS. ZWILLING: We're all
19 entitled to hear you clearly and
20 perhaps it's a transmission matter.
21 But your voice is in the last few
22 minutes speeding up in transmission
23 at this end and I would assume it's
24 also speeding up for the witness. So
25 if could just be mindful of that, I

1 M. KOMOROWSKI

2 would appreciate it.

3 MR. MORRIS: Of course, that's
4 why I'm asking the court reporter.
5 Madam Court Reporter, you have any
6 sort of problem with my transmission.

7 THE REPORTER: Not right now,
8 no.

9 MR. MORRIS: You'll let us know
10 if you do, right.

11 THE REPORTER: Yeah.

12 MR. MORRIS: Thank you so much.

13 Q. Rules and procedures,
14 Lieutenant Komorowski as the head of the
15 Suffolk County Police Department pistol
16 licensing bureau, is there any other
17 written documentation to which you refer in
18 either revoking, approving, suspending
19 pistol licenses within the County of
20 Suffolk?

21 A. It would be the handbook,
22 police licensing handbook and the penal
23 law.

24 Q. When you say penal law you're
25 referring to the New York State penal law;

1 M. KOMOROWSKI

2 correct?

3 A. (No response).

4 Q. Has that penal law changed
5 since New York State Rifle and Pistol
6 Association versus Bruen?

7 A. Yes.

8 Q. How has it changed?

9 A. They wrote a whole new law with
10 concealed carry.

11 Q. As the head of the Suffolk
12 County Police Department pistol licensing
13 bureau, have you had any training since
14 Bruen to your employees?

15 A. Training, yes. We advise them
16 of all the new rules.

17 Q. How did you -- sorry, I didn't
18 see. I'm sorry, what were you saying?

19 A. We advise them of the new penal
20 rule sections.

21 Q. How did you advise them?

22 A. Personally in a meeting with
23 them.

24 Q. Have you placed anything in
25 writing?

1 M. KOMOROWSKI

2 A. We have the sensitive locations
3 in writing, we have the restricted
4 locations in writing, and also in the
5 handbook. We have the sensitive location
6 in writing and also the restricted location
7 in writing and also in the handbook.

8 Q. You say in the handbook. Could
9 you just be clear to what you are
10 referring?

11 A. The police license handbook.

12 Q. What is the latest version of
13 the police license handbook?

14 A. It's 200P.

15 Q. What was the version that
16 preceded 200P of the pistol license?

17 A. 2000P, [sic] it would have been
18 2000O.

19 Q. When did 2000P replace 2000O?

20 A. Towards the end of 2022 after
21 the Bruen decision.

22 Q. Who, if anyone, is responsible
23 for the training of persons underneath you
24 as lieutenant of the Suffolk County Police
25 Department licensing bureau?

1 M. KOMOROWSKI

2 A. That would be me and the
3 sergeant.

4 Q. Who is the sergeant?

5 A. Sergeant Eric Dolan.

6 Q. What, if anything, is done to
7 train the persons underneath you by either
8 Sergeant Eric Dolan or yourself as it
9 relates to the enforcement of the Suffolk
10 County Police Department pistol license
11 bureau policy?

12 A. We discuss it with the
13 personnel we have, the investigators, the
14 police officers, the admin staff.

15 Q. Aside from discuss it, is
16 anything else done to train these persons?

17 A. They go over the law, they look
18 at the law, they are given the law.

19 Q. When you say given the law --

20 A. If they have any questions they
21 go over it. They're also given the new
22 handbook which they have to review.

23 Q. How do you ensure receipt of
24 the handbook, the persons for whom report
25 to you?

1 M. KOMOROWSKI

2 A. Say that again.

3 Q. How do you -- you said you give
4 persons who you train the new handbook;
5 correct?

6 A. Yes.

7 Q. How do you ensure receipt of
8 that handbook?

9 A. I see them reviewing it.

10 Q. Let's put this aside.
11 Lieutenant Komorowski as Suffolk County
12 Police Department, the head of the pistol
13 licensing bureau, are you responsible for
14 Mr. Wustenhoff?

15 A. Yes.

16 Q. Did you give him a handbook as
17 it relates to the seizure, the revocation,
18 the granting of pistol licensing within the
19 Suffolk County Police Department?

20 A. Yes, and he can get it online
21 too.

22 Q. Did you give him anything else
23 in regards to training?

24 A. Training, yes. I brought him
25 in and we discussed everything we do,

1 M. KOMOROWSKI

2 approvals, disapprovals, suspension,
3 revocations, and anything else we do
4 collecting gun, going out and checking
5 stores.

6 Q. So, six months, is that a
7 standard of practice for the suspension of
8 pistol licenses within the Suffolk County
9 Police Department, the Suffolk County
10 pistol licensing bureau?

11 A. Six months would be a common
12 practice for a minor infraction like this.
13 If there was something major, it would be a
14 year or more.

15 Q. Can one get a hearing if they
16 wanted to contest the six month suspension?

17 A. They would have to get a 78
18 hearing.

19 Q. Who decided that everyone gets
20 suspended for six months or more?

21 A. That was before my time here.

22 Q. You said before your time. Was
23 it a supervisor that gave you this
24 instruction?

25 A. Yes.

1 M. KOMOROWSKI

2 Q. Who was that supervisor?

3 A. It was Sergeant Walsh.

4 Q. To whom did Sergeant Walsh
5 report?

6 A. To me.

7 Q. You replaced Sergeant Walsh;
8 correct?

9 A. Yes, he was here as a sergeant.

10 Q. Understood. When was he here
11 as the sergeant?

12 A. 2018, I believe he left in
13 2019, the end.

14 Q. Okay. So since 2018 that's
15 been the policy; correct?

16 A. Yes.

17 Q. Who did you report in 2018?

18 A. I believe, 2018 we were
19 assigned directly under the police
20 commissioner.

21 Q. Who was that person?

22 A. Hart.

23 Q. Geraldine Hart; is that right?

24 A. Yes.

25 Q. Was Police Commissioner

1 M. KOMOROWSKI

2 Geraldine Hart responsible for the policy
3 of Suffolk County Police Department?

4 A. Yes, as all commissioners are.

5 Q. Was Police Commissioner
6 Geraldine Hart responsible for the training
7 and enforcement of the policies of the
8 Suffolk County Police Department?

9 A. I would think she would be, she
10 is the commissioner.

11 Q. She's the boss; correct?

12 A. Yes.

13 Q. The CEO; right?

14 A. She's the commissioner.

15 Q. Commissioner is the boss and
16 the decision maker of the Suffolk County
17 Police Department; correct?

18 A. To my knowledge.

19 Q. And in 2018, the boss of the
20 Suffolk County Police Department instructed
21 or was responsible for Sergeant Walsh
22 enforcement of the Suffolk County Police
23 Department licensing bureau; correct?

24 A. Yes.

25 Q. Before you said practice. Eric

1 M. KOMOROWSKI

2 Spronz's pistol license was suspended
3 pursuant to a practice of the Suffolk
4 County Police Department, policy, New York
5 State penal law, and practice. Could you
6 clarify what, if any, practice for which
7 Mr. Spronz's pistol license was suspended?

8 A. He violated a section of the
9 law, so we suspended him.

10 Q. What section of the law did he
11 violate?

12 A. 265.

13 Q. When you say 265, 265 of the
14 penal law?

15 A. Yes, the restricted location.

16 Q. Is there any other allegation
17 of a penal law violation by Eric Spronz for
18 which the Suffolk County Police Department
19 pistol licensing bureau suspended Eric
20 Spronz's pistol license?

21 A. No.

22 Q. Earlier we heard about
23 administrative staff. Do you know to whom
24 Mr. Wustenhoff was referring when he said
25 administrative staff of the Suffolk County

1 M. KOMOROWSKI

2 Police Department -- sorry?

3 A. What was the end of it.

4 Q. That's it?

5 A. We have four administrative
6 staff that would get the information in and
7 type up the letter of suspension.

8 Q. Who is responsible for those
9 administrative staff who type up the
10 letters of suspension?

11 A. I am.

12 Q. And at whose direction, if any,
13 does the administrative staff of the
14 Suffolk County Police Department Suffolk
15 County pistol licensing bureau serve?

16 A. They work for me.

17 Q. You were responsible for the
18 oversight of the Suffolk County Police
19 Department Suffolk County pistol licensing
20 bureau; is that correct?

21 A. I think you got it all, yes.

22 Q. You report up the line to the
23 Suffolk County Police Department
24 commissioner who is responsible for
25 enforcing the policies of the Suffolk

1 M. KOMOROWSKI

2 County Police Department; is that right?

3 A. Yes.

4 MR. MORRIS: Let's take a few
5 minutes unless there's any objection.

6 MS. ZWILLING: No objection.

7 MR. MORRIS: Okay. Let's take
8 a few minutes, like five minutes is
9 that all right Lieutenant.

10 THE WITNESS: Yes.

11 MR. MORRIS: Thank you sir.

12 (Whereupon, a recess was
13 taken.)

14 Q. Good afternoon Lieutenant. Did
15 you have occasion to speak to anyone during
16 the break?

17 A. Speak to anyone, no. About
18 this, no.

19 Q. Lieutenant, earlier you
20 mentioned two things, sensitive location
21 and restricted location. Do you recall
22 that?

23 A. Yes.

24 Q. What is it that Eric Spronz
25 did; did he enter a sensitive location or a

1 M. KOMOROWSKI

2 restricted location? What is it exactly
3 that he did to violate the New York State
4 penal law?

5 A. He entered a restricted
6 location.

7 Q. What was that restricted
8 location?

9 A. The property of another.

10 Q. How did he enter that property?

11 A. He walked onto it.

12 Q. When you say walked onto,
13 walked onto what?

14 A. The driveway.

15 Q. What formed the basis of the
16 conclusion that he violated the penal by
17 walking onto the driveway?

18 A. The field report.

19 Q. Who made the determination that
20 his license should be suspended as a result
21 of walking on the driveway as articulated
22 in the field report?

23 A. I did.

24 Q. Earlier you said Sergeant
25 Walsh. What is Sergeant Walsh's first

1 M. KOMOROWSKI

2 name?

3 A. William.

4 Q. Is William Walsh still within
5 the Suffolk County Police Department as a
6 sergeant?

7 A. He is as a lieutenant.

8 Q. He's been promoted?

9 A. Yes.

10 Q. When was he promoted?

11 A. When he left this office.

12 Q. When did he leave the office?

13 A. It was between 2019 and 2020.

14 Q. Is William Walsh still employed
15 as a lieutenant within the Suffolk County
16 Police Department?

17 A. Yes, he is.

18 Q. What, if any, involvement does
19 Lieutenant William Walsh have within the
20 Suffolk County Police Department Suffolk
21 County pistol licensing bureau?

22 A. He has nothing to do with us.
23 At this point.

24 Q. Since the six month suspension
25 policy espoused by Sergeant Walsh, have you

1 M. KOMOROWSKI

2 spoken to an inspector of the Suffolk
3 County Police Department as to the
4 enforcement of that suspension policy?

5 A. Have I talked to anybody, I
6 can't recall right now.

7 Q. Has the chief of the Suffolk
8 County Police Department instructed you
9 different from that policy as first
10 espoused and spoken to you by Sergeant
11 William Walsh as it relates to the Suffolk
12 County Police Department pistol licensing
13 bureau?

14 A. No.

15 Q. Has Geraldine Hart or any
16 commissioner of the Suffolk County Police
17 Department asked you to deviate from that
18 policy first discussed with you by Sergeant
19 William Walsh as it relates to the Suffolk
20 County Police Department Suffolk County
21 pistol licensing bureau?

22 A. No.

23 Q. Earlier you said that
24 suspensions could last longer than six
25 months of the Suffolk County pistol

1 M. KOMOROWSKI

2 licensing bureau pistol license suspension;
3 is that correct?

4 A. They could, yes.

5 Q. How long is the longest pistol
6 license suspension of your office
7 currently?

8 A. Currently, most likely up to
9 five years.

10 Q. Are there any policies in the
11 Suffolk County Police Department Suffolk
12 County pistol license bureau as it relates
13 to either the engraving or the destruction
14 of firearms seized by your bureau?

15 A. We do not do that.

16 Q. When you say you do not do
17 that, can you please describe?

18 A. Engrave or destroy weapons.

19 MR. MORRIS: Just give me one
20 moment. I might be done here, hold on
21 one second. Sorry about that.

22 Q. Just want to clarify earlier,
23 did Eric Spronz ever enter a building?

24 A. Sure he's entered buildings
25 before.

1 M. KOMOROWSKI

2 Q. As a result -- withdrawn.

3 You suspended Eric Spronz's
4 pistol license; correct?

5 A. Yes.

6 Q. Was it as a result of Eric
7 Spronz entering a building?

8 A. No.

9 Q. It was a result of him entering
10 a driveway; is that right?

11 A. Private property with his gun
12 showing.

13 Q. Can you tell us what private
14 property -- withdrawn.

15 Can you tell us what private
16 property Eric Spronz entered with his gun
17 showing?

18 MS. ZWILLING: I believe he's
19 told you several times, but he can
20 tell you again.

21 MR. MORRIS: Last time.

22 A. He entered the private property
23 belonging to another person.

24 Q. That private property did not
25 consist of a building, dwelling, or

1 M. KOMOROWSKI

2 structure; correct?

3 A. I believe there was a dwelling
4 on it.

5 Q. But Eric Spronz did not enter
6 any sort of dwelling, building, structure,
7 anything like that?

8 A. Correct.

9 Q. To be clear, on the day for
10 which his pistol license was suspended by
11 the Suffolk County Police Department pistol
12 licensing bureau; correct?

13 A. On that day, that would be the
14 27th, is that what you're talking about.

15 Q. Yes?

16 A. No.

17 Q. So he didn't enter a building
18 that would result in his physical license
19 being suspended; correct?

20 A. On the 27th, no.

21 MR. MORRIS: I have no further
22 questions and I thank you.

23 THE REPORTER: Mr. Morris, are
24 you ordering this transcript.

25 MR. MORRIS: Yes, I'm with

1 M. KOMOROWSKI

2 Richard Young, yes.

3 THE REPORTER: Again, Ms.
4 Zwilling are you ordering this
5 transcript.

6 MS. ZWILLING: No, because I
7 represent the witnesses so plaintiff
8 will have to provide me with copies.

9 THE REPORTER: Well it's
10 district federal court, so everyone
11 provides, orders their own.

12 MS. ZWILLING: Not exactly. You
13 might be thinking of the Southern
14 District. This is an Eastern District
15 case.

16 (12:31 p.m.)

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1 M. KOMOROWSKI

2 A C K N O W L E D G E M E N T

3

4 STATE OF NEW YORK)

5 :ss

6 COUNTY OF QUEENS)

7 I, Michael Komorowski, hereby certify
8 that I have read the transcript of my
9 testimony taken under oath on September 26,
10 2024, that the transcript is a true,
11 complete and correct record of what was
12 asked, answered and said during my
13 testimony under oath, and that the answers
14 on the record as given by me are true and
15 correct.

16

17

18 _____

19

20 Signed and subscribed to
21 before me, this _____ day
22 of _____, _____.

23

24 _____

25 Notary Public

1 M. KOMOROWSKI

2 I N D E X

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1 M. KOMOROWSKI

2
3 C E R T I F I C A T E

4
5 I, GABRIELLA TUTINO, a shorthand
6 reporter and Notary Public within and for
7 the State of New York, do hereby certify:

8 That the witness(es) whose testimony
9 is hereinbefore set forth was duly sworn
10 by me, and the foregoing transcript is a
11 true record of the testimony given by
12 such witness(es).

13 I further certify that I am not
14 related to any of the parties to this
15 action by blood or marriage, and that I
16 am in no way interested in the outcome
17 of this matter.

18
19
20
21
22 

23 GABRIELLA TUTINO
24
25